IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1018 of 2007

SULTAN

V/S

STATE & ORS.

Mr. KAILASH KHATRI, for the appellant / petitioner

Date of Order : 26.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

It is contended by learned counsel for the petitioner that the Collector has remanded the matter to the Gram Panchayat for hearing both the parties, and deciding the matter afresh, but at the same time, has cancelled the Patta, and has simply directed that Panchayat shall pass appropriate order in accordance with law. The hearing to be effected by the Panchayat is on the question, as to whether the private respondent had any right of way, as claimed by him or not, but then there was no occasion for cancellation of the Patta as such.

I have considered the submission, and find that the matter has been remanded precisely for the purpose of ascertaining, as to whether the private respondent (revisionist) had/has a right of way or not. Obviously therefore, if it is found that the revisionist has no right of way, then the Patta of the petitioner would stand

restored.

The writ petition is, accordingly, dismissed with the aforesaid clarification.

(N P GUPTA),J.

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